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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1546 Session of  
2017

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INTRODUCED BY MATZIE, SNYDER, FRANKEL, D. MILLER, DeLUCA,  
SCHWEYER, O'BRIEN, MARSHALL, SCHLOSSBERG, SOLOMON, McNEILL,  
V. BROWN AND ROZZI, JUNE 13, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 13, 2017

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AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated  
2 Statutes, providing for voting by mail; imposing penalties;  
3 and making related repeals.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 1105 of Title 25 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 1105. Standardized forms.

9 (a) General rule.--Whenever possible, the secretary shall  
10 prescribe by regulation standardized voter registration or  
11 [absentee ballot application] mail-in ballot application forms  
12 which may be used, with prior approval by the secretary, by  
13 political bodies, candidates and organized bodies of citizens in  
14 compliance with both the provisions of this part and the act of  
15 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
16 Election Code.

17 (b) Prior approval.--The secretary shall develop a system  
18 whereby political bodies, candidates and organized bodies of

1 citizens may receive prior approval of standardized forms  
2 developed pursuant to subsection (a).

3 Section 2. Section 3302 of Title 25 is repealed:

4 [§ 3302. Application for absentee ballots.]

5 (a) General rule.--Notwithstanding the provisions of Part IV  
6 (relating to voter registration) or the act of June 3, 1937  
7 (P.L.1333, No.320), known as the Pennsylvania Election Code, the  
8 following persons may make application for an absentee ballot by  
9 sending a letter or other signed document to the county board of  
10 elections in the county in which the person's voting address is  
11 located:

12 (1) A registered elector who is unable to attend the  
13 polling place on the day of any primary or election because  
14 of illness or physical disability.

15 (2) A registered elector who expects to be absent from  
16 this Commonwealth or the municipality of residence because  
17 duties, occupation or business require the elector to be  
18 elsewhere the day of any primary or election.

19 (3) A county employee who cannot vote due to duties  
20 relating to the conduct of elections.

21 (4) A person who will not attend a polling place because  
22 of an observance of a religious holiday.

23 (b) Contents of letter or document.--The letter or document  
24 under subsection (a) shall provide the same information as is  
25 provided on forms prescribed by the secretary.

26 (c) Review and processing.--The letter or document shall be  
27 subject to the same schedule as other applications for absentee  
28 ballots and upon receipt by the county board of elections shall  
29 be reviewed and processed in the same fashion as other  
30 applications for absentee ballots.

1 (d) Application prepared by political party.--An absentee  
2 ballot application form containing the same information as that  
3 contained on the form prescribed by the secretary, which was  
4 prepared or distributed by a political party and signed by a  
5 registered elector, shall be deemed for all purposes as valid  
6 and shall be reviewed and processed by the county board of  
7 elections in the same manner as applications on forms prescribed  
8 by the secretary and supplied by the county board of elections.]

9 Section 3. Title 25 is amended by adding a chapter to read:

10 CHAPTER 34

11 VOTE BY MAIL

12 Sec.

13 3401. Definitions.

14 3402. Procedure for user of mail-in ballot.

15 3403. Publication of notice.

16 3404. Printing of mail-in ballots.

17 3405. Verification of voter's signature.

18 3406. Delivery of mail-in ballots.

19 3407. Lists of applications and returned mail-in ballots.

20 3408. Mail-in ballot format.

21 3409. Preparation and transmission of mail-in ballots.

22 3410. Certificate of mail-in voter.

23 3411. Certification by board.

24 3412. Marking of mail-in voter's record.

25 3413. Marking and delivery of mail-in ballot.

26 3414. Processing of mail-in ballots.

27 3415. Counting of mail-in ballots.

28 3416. Mail-in ballot deemed valid.

29 3417. Prohibition.

30 3418. Rejection of ballot mailed in by voter subsequently

1 deceased.

2 3419. Opening of mail-in ballots.

3 3420. Record of mail-in ballots delivered.

4 3421. Records of mail-in ballots.

5 3422. No election held invalid due to mail-in ballots.

6 3423. Ballot required to be sealed before delivery.

7 3424. Information for voters using mail-in ballots.

8 3425. Duties of board.

9 3426. Mail-in ballot fraud.

10 § 3401. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Board." A county board of elections.

15 "Department." The Department of State of the Commonwealth.

16 "Mail-in ballot." A ballot used by a mail-in voter in any  
17 election.

18 "Mail-in voter." A qualified and registered voter of this  
19 Commonwealth who votes in any election using a mail-in ballot  
20 under the provisions of this chapter.

21 "Qualified elector." As defined in section 102 of the act of  
22 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
23 Election Code.

24 "Secretary." The Secretary of the Commonwealth.

25 "Statewide voter registration system." The Statewide Uniform  
26 Registry of Electors established by Subchapter B of Chapter 12  
27 (relating to Statewide Uniform Registry of Electors (SURE)).

28 § 3402. Procedure for user of mail-in ballot.

29 (a) General rule.--A qualified elector may vote using a  
30 mail-in ballot in any election held in this Commonwealth.

1     (b) Application process.--A qualified elector may apply to  
2 the board in the county in which the elector's voting residence  
3 is located for a mail-in ballot. The application must be  
4 received by the board not less than seven days before an  
5 election in which the qualified elector seeks to vote by mail.  
6 The application shall be in writing on a form prepared by the  
7 secretary, shall be signed by the applicant and shall state the  
8 applicant's voting residence and the address to which the ballot  
9 shall be sent. A qualified elector who is a member of the armed  
10 forces of the United States may use a Federal postcard  
11 application form to apply for a mail-in ballot.

12     (c) In-person application.--A qualified elector may apply  
13 for a mail-in ballot in person to the board in the county in  
14 which the elector's voting residence is located no later than 3  
15 p.m. of the day before the election.

16     (d) Continuing application.--A qualified elector seeking to  
17 vote only by mail-in ballot in general elections in which the  
18 elector is eligible to vote, and who states that preference on  
19 an application for a mail-in ballot, shall be furnished a mail-  
20 in ballot by the board without further request of the elector  
21 and until the elector requests that the elector not be sent a  
22 mail-in ballot. A qualified elector, on an application for a  
23 mail-in ballot, may opt to receive a mail-in ballot for each  
24 election that takes place during the remainder of the calendar  
25 year in which the application is submitted. A qualified elector  
26 who exercises this option shall be furnished, without further  
27 request of the elector, a mail-in ballot for each election that  
28 takes place during the remainder of the calendar year. A person  
29 voting by mail-in ballot who registers by mail after January 1,  
30 2017, who did not provide personal identification information

1 when registering and is voting for the first time in the  
2 person's current county of residence following registration  
3 shall include copies of the required identification information  
4 with the mail-in ballot. Failure to include the information with  
5 the mail-in ballot shall result in its rejection.

6 (e) Suspension of mail-in ballots.--If a qualified elector  
7 who has requested a mail-in ballot for all elections does not  
8 complete and return the ballot for canvassing for the fourth  
9 general election following the general election at which the  
10 elector last voted, the board shall notify the elector by mail  
11 that the board must verify that the elector resides at the  
12 address recorded on the elector's registration and is eligible  
13 to vote. If the notice is not completed and returned by the  
14 qualified elector to the board before the 40th day prior to the  
15 next general election, a mail-in ballot shall not be sent to the  
16 elector for that election. The qualified elector may not receive  
17 a mail-in ballot for future elections until the elector submits  
18 a new application for a mail-in ballot.

19 (f) Inactive electors.--The board shall not transmit a mail-  
20 in ballot to a person who is deemed to be an inactive voter or  
21 whose registration record has been canceled.

22 § 3403. Publication of notice.

23 (a) Notice.--The board shall publish a notice in  
24 substantially the following form:

25 NOTICE OF MAIL-IN BALLOT APPLICATION PROCEDURES

26 If you are a qualified and registered voter of this  
27 Commonwealth who wants to vote by mail in the .....  
28 (municipal, primary, general or other) election to be held on  
29 ..... (date of election), complete the application form  
30 below and send it to the County Board of Elections at the

1 address below, or write or apply in person to the County  
2 Board of Elections requesting that a mail-in ballot be  
3 forwarded to you. The request must state your home address  
4 and the address to which the ballot should be sent. The  
5 request must be dated and signed.

6 If any person has assisted you to complete the mail-in  
7 ballot application, the name, address and signature of the  
8 assistor must be provided on the application, and you must  
9 sign and date the application for it to be valid and  
10 processed.

11 No mail-in ballot will be provided to an applicant who  
12 submits a request by mail unless the request is received at  
13 least seven days before the election and contains the  
14 requested information. A voter may, however, request an  
15 application in person from the County Board of Elections no  
16 later than 3 p.m. of the day before the election.

17 A voter who wants to vote only by mail in all future  
18 general elections in which the voter is eligible to vote, and  
19 who states that on the application, shall, after the initial  
20 request and without further action on the voter's part, be  
21 provided a mail-in ballot for each general election until the  
22 voter requests that the voter no longer be sent a mail-in  
23 ballot. A voter's failure to vote in the fourth general  
24 election following the general election at which the voter  
25 last voted may result in the suspension of that voter's  
26 ability to receive a mail-in ballot for all future general  
27 elections unless a new application is completed and filed  
28 with the County Board of Elections.

29 A voter also has the option of indicating on the mail-in  
30 ballot application that the voter would prefer to receive

1 mail-in ballots for each election that takes place during the  
2 remainder of the calendar year. A voter who exercises this  
3 option will be furnished with mail-in ballots for each  
4 election that takes place during the remainder of this  
5 calendar year, without further action on the voter's part.

6 Application forms may be obtained by applying to the  
7 County Board of Elections either in writing or by telephone,  
8 or the application form provided below may be completed and  
9 forwarded to the County Board of Elections.

10 Dated.....  
11 .....  
12 (address of board)  
13 .....  
14 (telephone number of board)

15 (b) Overseas voters.--The secretary shall provide  
16 information regarding overseas Federal election ballots to a  
17 qualified elector eligible for a mail-in ballot. The secretary  
18 shall also make available valid overseas Federal election voter  
19 registration and ballot applications to a qualified elector who  
20 is a member of the armed forces of the United States and who is  
21 a permanent resident of this Commonwealth, or who is an overseas  
22 Federal election voter who wishes to register to vote or to vote  
23 in any jurisdiction in this Commonwealth. The secretary shall  
24 provide public notice as may be deemed necessary to inform  
25 members of the armed forces of the United States and overseas  
26 Federal election voters how to obtain valid overseas Federal  
27 election voter registration and ballot applications.

28 (c) Publicity program.--The secretary shall undertake a  
29 program to inform voters in this Commonwealth about their  
30 eligibility to vote by mail under this chapter. Dissemination of



1 this information shall be effectuated by any means that the  
2 secretary deems appropriate and to the extent that funds for the  
3 dissemination are appropriated, including, but not limited to,  
4 by means of Statewide or local electronic media, public service  
5 announcements, notices on the Internet website of the department  
6 or any other agency of this Commonwealth deemed appropriate by  
7 the secretary and special mailings or notices in newspapers or  
8 other publications circulating in the counties or municipalities  
9 of this Commonwealth.

10 (d) Identification.--The mail-in ballot materials shall  
11 contain a notice that any person voting by mail-in ballot who  
12 has registered by mail after January 1, 2017, who did not  
13 provide personal identification information when registering and  
14 is voting for the first time in the person's current county of  
15 residence shall include copies of the required identification  
16 information with the mail-in ballot, and that failure to include  
17 the information shall result in the rejection of the ballot.

18 (e) Publication.--The notice under subsection (a) shall be  
19 published not less than 50 days immediately preceding an  
20 election. Notices relating to any Statewide or countywide  
21 election shall be published in at least two newspapers published  
22 in each county. The board shall publish the notices in at least  
23 one newspaper published in each municipality in which the  
24 election is to be held or, if no newspaper is published in the  
25 municipality, in a newspaper published in the county and  
26 circulating in the municipality. All notices shall be display  
27 advertisements.

28 § 3404. Printing of mail-in ballots.

29 (a) General rule.--A board shall print sufficient mail-in  
30 ballots for each election. Along with the ballots, the board

1 shall also furnish inner and outer envelopes and printed  
2 directions for the preparation and transmitting of the mail-in  
3 ballots used in the election in the county.

4 (b) Paper type.--The mail-in ballots shall be printed on  
5 paper of a different color from that used for any primary or  
6 general election ballot, but in all other respects shall be as  
7 nearly as possible facsimiles of the election ballot to be voted  
8 at the election.

9 § 3405. Verification of voter's signature.

10 (a) Verification.--Upon receipt of a request for a mail-in  
11 ballot, the board shall cause the signature of the applicant to  
12 be compared with the signature of the person appearing on the  
13 district register, or the digitized image of the voter's  
14 signature stored in the Statewide voter registration system, to  
15 determine from the examination, and any other available  
16 information, if the applicant is a voter qualified to cast a  
17 ballot in the election and determine in the case of a primary  
18 election the political party primary in which the voter is  
19 entitled to vote.

20 (b) Approval or disapproval.--If, after examination, the  
21 board is satisfied that the applicant is entitled to a ballot,  
22 the board shall mark the application "approved." If, after  
23 examination, the board determines that the applicant is not  
24 entitled to a ballot, the board shall mark the application  
25 "disapproved" and shall notify the applicant, stating the reason  
26 for the disapproval.

27 § 3406. Delivery of mail-in ballots.

28 (a) Delivery method.--Starting on the 40th day before the  
29 day an election is held, a board shall forward mail-in ballots  
30 by first-class mail or hand delivery to each mail-in voter whose

1 request for a mail-in ballot has been approved. Mail-in ballots  
2 that have been approved before the 40th day before an election  
3 shall be forwarded or delivered no later than the third business  
4 day following that 40th day. Hand delivery of a mail-in ballot  
5 shall be made by the board or the board's designee only to the  
6 voter, or the voter's authorized messenger, who must appear in  
7 person. No person may serve as an authorized messenger for more  
8 than 10 qualified voters in an election. Ballots that have not  
9 been hand-delivered shall be addressed to the voter at the  
10 forwarding address given in the application.

11 (b) Timing.--

12 (1) Whenever the board forwards a mail-in ballot by mail  
13 to a mail-in voter between the 40th day and the 13th day  
14 before the day of an election, the ballot shall be  
15 transmitted within three business days of the receipt of the  
16 application.

17 (2) Whenever the board forwards a mail-in ballot by mail  
18 to a mail-in voter between the 12th day and the seventh day  
19 before the day of an election, the ballot shall be  
20 transmitted within two business days of the receipt of the  
21 application.

22 § 3407. Lists of applications and returned mail-in ballots.

23 (a) List of applications.--Each board shall keep one list of  
24 the applications for mail-in ballots received and another list  
25 of the applicants whose applications were approved and sent  
26 mail-in ballots. Each list shall include the name and street  
27 address of each person requesting or receiving a mail-in ballot.  
28 The board shall update the lists each business day, and the  
29 lists shall be made available to the public and transmitted to  
30 all election officials charged with the duty of administering

1 this chapter.

2 (b) List of returned mail-in ballots.--Each board shall keep  
3 a list of the name and street address of each person who returns  
4 a voted mail-in ballot and the name and street address of each  
5 person who delivers the ballot personally to the board. The  
6 board shall update the list each business day, and it shall be  
7 accessible to the public and transmitted to all election  
8 officials charged with the duty of administering this chapter.  
9 The board shall keep the lists required by this section starting  
10 no later than the 14th day before the day of the election and  
11 continue to do so until the day of the election.

12 § 3408. Mail-in ballot format.

13 (a) Conformity with other ballots and notice.--Mail-in  
14 ballots to be used during any election shall conform generally  
15 to the ballot to be used during the election in the voter's  
16 district but the ballots shall be clearly marked "official mail-  
17 in ballot." At the top of every mail-in ballot there shall be  
18 printed or stamped in a prominent size the following:

19 To protect your vote:

20 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO  
21 MARK OR INSPECT THIS BALLOT.

22 However, a family member may assist you in doing so.

23 (b) Format.--Mail-in ballots shall be printed entirely in  
24 black ink. In addition to conforming generally to the ballot  
25 used in the election, the mail-in ballot shall be prepared so  
26 that the voter may indicate on it the voter's choice of  
27 candidates for the offices to be filled and public questions to  
28 be voted on during the election by the voters of the entire  
29 State or political subdivision in which the voter is a resident,  
30 as known on the 48th day preceding the election. Sufficient

1 space shall be provided on the ballot for the voter to write in  
2 the name of and vote for any candidate, or the voter's personal  
3 choice, for any public office to be voted for during the  
4 election in the voter's election district. A list of the  
5 candidates for the offices to be filled in each election  
6 district in the county, whose names are known on the day on  
7 which the ballot is forwarded but do not appear on the ballot,  
8 with a statement of the office for which each is a candidate,  
9 shall be forwarded with the mail-in ballot.

10 (c) Candidates.--When mail-in ballots are prepared, the name  
11 of a candidate who has been nominated for an office shall be  
12 placed on the ballot to be used in the general election to be  
13 held in that year in each election district in which the nominee  
14 is a candidate, whether or not the candidate has accepted  
15 nomination prior to when the ballot was prepared, unless the  
16 candidate has not declined the nomination before the ballot was  
17 prepared.

18 (d) Primary election ballots.--Mail-in ballots to be used  
19 during any presidential primary election or primary election for  
20 the general election shall, except as otherwise provided,  
21 conform to the ballot to be used during the election in the  
22 voter's election district and to the form prescribed in this  
23 section for mail-in ballots to be used in general elections. It  
24 shall be prepared so that the voter may indicate the voter's  
25 choice of the candidates of one political party for each of the  
26 offices to be voted on during the election by the voters of the  
27 election district and shall be separated into party ballots,  
28 which shall be printed upon one sheet when the voting system so  
29 allows. The mail-in ballots shall be plainly marked to indicate  
30 that only one party ballot is to be voted by each voter and that

1 the party ballot voted by the voter must conform to the name of  
2 the political party indicated by the board. If the board has  
3 determined by investigating a voter's registration record that  
4 the voter is qualified to vote only in the primary of a  
5 particular party, the board shall note on the primary ballot the  
6 party primary in which the voter is entitled to vote. If the  
7 board determines through investigating the voter's registration  
8 record that the applicant is requesting a ballot to vote in the  
9 first primary for which the voter is eligible after  
10 registration, the board shall note on the primary ballot that  
11 the voter may vote in the primary of any political party.

12 (e) Electronic canvassing systems.--A county may adopt a  
13 system of electronic scanning or another mechanical or  
14 electronic device if the system has been approved previously by  
15 the secretary to count or canvass mail-in ballots. The board in  
16 any county adopting a system may prepare and use mail-in ballots  
17 that do not conform generally to the ballot to be used during  
18 the election to the extent that the nonconformance is necessary  
19 in the operation of the electronic or mechanical canvassing  
20 system.

21 § 3409. Preparation and transmission of mail-in ballots.

22 (a) Directions and outer envelope.--Each board shall send,  
23 with each mail-in ballot, printed directions for the preparation  
24 and transmitting of the ballots as required by this chapter. The  
25 directions shall be printed in the manner and form as required  
26 by the secretary, together with two envelopes of such sizes that  
27 one will contain the other. The outer envelope shall be  
28 addressed to the board of the county in which is located the  
29 home address of the person to whom the mail-in ballot is sent,  
30 as certified by the board. At the discretion of the board, the

1 outer envelope may be a postage-paid return envelope. On the  
2 outside and front of each outer envelope, there shall be printed  
3 or stamped the following:

4 To protect your vote:

5 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO  
6 MAIL OR TRANSPORT THIS BALLOT UNLESS THE ENVELOPE IS  
7 SEALED AND THE FOLLOWING IS COMPLETED:

8 .....Ballot mailed or transported by

9 .....(signature of bearer)

10 .....(print name of bearer)

11 .....(address of bearer)

12 The reverse side of the outer envelope shall contain the  
13 following:

14 REMINDER

15 For your vote to count, you must:

16 1. Vote your ballot and place it in the inner envelope  
17 with the attached certificate.

18 2. Seal the envelope.

19 3. Place the envelope into the larger envelope addressed  
20 to the board of elections and seal that envelope.

21 4. If another person will be mailing your ballot or  
22 bringing it to the board of elections, MAKE CERTAIN THAT  
23 PERSON COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
24 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE BALLOT IS  
25 TAKEN FROM YOU. NO PERSON WHO IS A CANDIDATE IN THE  
26 ELECTION FOR WHICH THE VOTER REQUESTS THIS BALLOT IS  
27 PERMITTED TO SERVE AS A BEARER.

28 (b) Changes to instructions.--The secretary is authorized to  
29 make changes to the instructions for mail-in ballot materials if  
30 the secretary deems it necessary or if mandated by Federal or

1 State law.

2 (c) Inner envelope.--The inner envelope shall be so designed  
3 that it can be sealed after the mail-in ballot has been placed  
4 in the inner envelope, and the flap of the inner envelope shall  
5 be of a length and size that leaves sufficient margin, after  
6 being sealed, for the printing on the flap of the certificate  
7 described in section 3410 (relating to certificate of mail-in  
8 voter). The flap shall be so arranged that, after the inner  
9 envelope has been sealed, the certificate can be contained, with  
10 the inner envelope, in the outer envelope, and that the margin  
11 containing the certificate can be detached without unsealing the  
12 inner envelope. On the outside of each envelope in which a mail-  
13 in ballot is sent to a mail-in voter by the board, there shall  
14 be printed or stamped the words "official mail-in ballot." In  
15 addition, there shall be printed or stamped the following:

16 To protect your vote:

17 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO  
18 OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

19 However, a family member may assist you in doing so.

20 The reverse side of each inner envelope shall contain the  
21 following statement:

22 A PERSON MAY BE FINED AND IMPRISONED AND MAY ALSO LOSE  
23 THE RIGHT TO VOTE UNTIL RESTORED BY LAW if that person  
24 attempts to vote fraudulently by mail-in ballot, prevents  
25 the voting of a legal voter, certifies falsely any  
26 information, interferes with a person's secrecy of  
27 voting, tampers with ballots or election documents or  
28 helps another person to do so.

29 § 3410. Certificate of mail-in voter.

30 On the margin of the flap on the inner envelopes to be sent



1 to mail-in voters there shall be printed a certificate in the  
2 following form:

3 CERTIFICATE OF MAIL-IN VOTER

4 I, ..... (print your name clearly), whose home address  
5 is ..... (street address or R.D. Number  
6 (municipality), DO HEREBY CERTIFY, subject to the penalties  
7 for fraudulent voting, that I am the person who applied for  
8 the enclosed ballot. I MARKED AND SEALED THIS BALLOT AND  
9 CERTIFICATE IN SECRET. However, a family member may assist me  
10 in doing so.

11 .....

12 (signature of voter)

13 A person providing assistance shall complete the following:

14 I do hereby certify that I am the person who provided  
15 assistance to this voter and declare that I will maintain the  
16 secrecy of this ballot.

17 .....

18 (signature of person providing assistance)

19 .....

20 (printed name of person providing assistance)

21 .....

22 .....

23 (address of person providing assistance)

24 § 3411. Certification by board.

25 Each board shall, from time to time and prior to each  
26 election, certify in writing under oath to the secretary the  
27 names and addresses of the persons to whom mail-in ballots to be  
28 voted during the election have been delivered or forwarded under  
29 this chapter.

30 § 3412. Marking of mail-in voter's record.

1     (a) Marking of record.--The board shall mark the mail-in  
2 voter's record in the Statewide voter registration system and  
3 duplicate voting record appearing on the signature copy  
4 registers. Whenever a mail-in ballot has been forwarded to a  
5 voter during the time when the signature copy registers are in  
6 the custody of other election officials as provided by law, or  
7 are in transit to or from those officials, the board shall,  
8 prior to the opening of the polls on election day, forward to  
9 each polling place a list of all the voters to whom ballots have  
10 been sent but whose duplicate voting record has not been marked  
11 in the manner prescribed. The lists may be prepared in the same  
12 manner as a challenge sheet and may be included together with  
13 other causes for challenge. A person whose name appears on a  
14 list or notice furnished by the board to the effect that the  
15 voter has received a mail-in ballot, but appears at the polling  
16 place on the day of an election, shall be permitted to vote by  
17 provisional ballot after completing the affirmation statement  
18 attached to the envelope provided with the provisional ballot.

19     (b) Notice to judge of polling place.--Whenever a mail-in  
20 ballot has been delivered to a voter less than seven days before  
21 an election and up to 3 p.m. of the day before the election, and  
22 the signature copy registers are in the custody of other  
23 election officials or in transit to or from those officials, the  
24 board shall prepare a master list of those mail-in ballots and  
25 shall notify the judge of the polling place to mark the voter's  
26 record accordingly.

27 § 3413. Marking and delivery of mail-in ballot.

28     (a) Marking of mail-in ballot.--A mail-in voter is entitled  
29 to mark a mail-in ballot forwarded to the voter for voting  
30 during any election by indicating the voter's choice of

1 candidates for the offices named, and as to public questions, if  
2 any, stated on the ballot, in accordance with current law. In  
3 the case of ballots to be voted for a primary election, the  
4 voter's choice shall be limited to the candidates of the voter's  
5 political party or to a person whose name is written on the  
6 ballot by the voter. When so marked, the ballot shall be placed  
7 in the inner envelope, which shall then be sealed, and the voter  
8 shall then fill in the form of certificate attached to the inner  
9 envelope, at the end of which the voter shall sign and print the  
10 voter's name. The inner envelope with the certificate shall then  
11 be placed in the outer envelope, which shall then be sealed.

12 (b) Tampering.--No mail-in voter may permit a person, except  
13 as provided by this chapter, to unseal, mark or inspect the  
14 voter's ballot, interfere with the secrecy of the voter's vote,  
15 complete or sign the certificate or seal the inner or outer  
16 envelope.

17 (c) Assistance.--A mail-in voter may receive assistance from  
18 a family member in performing any of the actions provided for in  
19 this section. The family member providing assistance shall  
20 certify that the family member assisted the voter and will  
21 maintain the secrecy of the vote by both printing and signing  
22 the family member's name in the space provided on the  
23 certificate. In no event may a candidate for election provide  
24 assistance, nor may any person, at the time of providing  
25 assistance, campaign or electioneer on behalf of a candidate.

26 (d) Delivery to board.--

27 (1) The sealed outer envelope with the inner envelope  
28 and the ballot enclosed shall either be mailed to the board  
29 to which it is addressed or delivered personally by the voter  
30 or a bearer designated by the voter to the board. To be

1 counted, the ballot must be received by the board or its  
2 designee before the time designated for the closing of the  
3 polls on the day of an election.

4 (2) Whenever a person delivers a ballot to the board,  
5 that person shall sign a record maintained by the county of  
6 all mail-in ballots personally delivered to it.

7 (3) No person may serve as an authorized messenger for  
8 more than 10 qualified voters in an election. No person who  
9 is a candidate in the election for which the voter requests a  
10 mail-in ballot may serve as an authorized messenger. The  
11 messenger, by signing the certification, certifies receipt of  
12 a mail-in ballot directly from the voter and is authorized to  
13 deliver the ballot to the board on behalf of the voter.

14 § 3414. Processing of mail-in ballots.

15 (a) Actions upon receipt of ballot.--The board shall,  
16 promptly after receiving each mail-in ballot, remove the inner  
17 envelope containing the ballot from the outer envelope and shall  
18 compare the signature and the information contained on the flap  
19 of the inner envelope with the signature and information  
20 contained in the respective requests for mail-in ballots. For  
21 mail-in ballots issued less than seven days prior to an  
22 election, the board shall verify that the mail-in voter did not  
23 vote in person. The board shall reject a ballot if it is not  
24 satisfied, pursuant to a comparison with the Statewide voter  
25 registration system, that the voter is legally entitled to vote  
26 and that the ballot conforms with the requirements of this  
27 chapter.

28 (b) Primary elections.--In the case of a mail-in ballot to  
29 be voted during a primary election, the ballot shall be rejected  
30 if the mail-in voter has indicated in the certificate the

1 voter's intention to vote in a primary election of any political  
2 party and if it shall appear from the record that the voter is  
3 not entitled to vote in a primary election of the political  
4 party which has been so indicated.

5 (c) Seal.--A mail-in ballot which is received by the board  
6 shall be rejected if:

7 (1) both the inner and outer envelopes are unsealed; or

8 (2) either envelope has a seal that has been tampered  
9 with.

10 § 3415. Counting of mail-in ballots.

11 The board shall count all valid mail-in ballots received by  
12 the board prior to the time designated by law for the closing of  
13 the polls for each election.

14 § 3416. Mail-in ballot deemed valid.

15 No mail-in ballot may be rejected or declared invalid because  
16 it does not contain all of the names of the candidates or all of  
17 the public questions to be voted for in the election district in  
18 the election in which it is to be counted. A mail-in ballot  
19 shall be counted in determining the result of the election as to  
20 an office or public question if the designation of the office  
21 and the name of the candidate for election to the office or the  
22 answer to the public question is indicated on the ballot to  
23 demonstrate the voter's choice.

24 § 3417. Prohibition.

25 (a) General rule.--If a person returns a voted mail-in  
26 ballot to the board, the person shall not be permitted to vote  
27 in person at a polling place on the day of the election.

28 (b) Exceptions.--The following persons shall be permitted to  
29 vote in person by provisional ballot at the polling place in the  
30 voter's election district on the day of election:

1           (1) A person who has applied for a mail-in ballot and  
2           not received either the ballot or an explanation for not  
3           receiving the ballot from the board.

4           (2) A person who has applied for and received a mail-in  
5           ballot and has not transmitted it to the board nor given it  
6           to a messenger for delivery to the board before the time for  
7           the opening of the polls on the day of an election.

8   § 3418. Rejection of ballot mailed in by voter subsequently  
9           deceased.

10          Whenever the board receives evidence that a mail-in voter who  
11          has marked and forwarded a mail-in ballot has died before the  
12          opening of the polls on the day of the election, the board shall  
13          reject the ballot.

14   § 3419. Opening of mail-in ballots.

15          (a) Opening of ballots.--On the day of an election a board  
16          shall open the inner envelopes that contain the mail-in ballots  
17          with the votes cast for the election. The inner envelopes  
18          containing the ballots that the board has rejected shall not be  
19          so opened, but shall be retained. The board shall then proceed  
20          to canvass the votes cast on the mail-in ballots. No ballot may  
21          be counted in any primary election if the ballot of the  
22          political party marked for voting differs from the designation  
23          of the political party for which the ballot is intended to be  
24          voted as marked on the envelope by the board.

25          (b) Certification.--Immediately after the canvass is  
26          completed, each board shall certify the result of the canvass to  
27          the secretary or other appropriate officer, as the case may be,  
28          showing the result of the canvass by election district. The  
29          votes canvassed shall be counted in determining the result of  
30          the election.

1 (c) Members of county committees.--The board shall,  
2 immediately after the canvass is completed for a primary  
3 election, certify the results of the votes cast for members of  
4 the county committees to the appropriate officer, and those  
5 votes shall be counted in determining the result of the  
6 election.

7 § 3420. Record of mail-in ballots delivered.

8 As soon as practicable after each election, a board shall  
9 record in the Statewide voter registration system and any  
10 duplicate voting record the delivery or forwarding of mail-in  
11 ballots to the respective registered voters. For each mail-in  
12 ballot that has been voted, received and counted, the board  
13 shall, by reference to the certificates removed from the inner  
14 envelopes of the ballots, place the word "voted" in the space  
15 provided in the Statewide voter registration system and  
16 duplicate voting record for recording the ballot number of the  
17 voter's ballot in the election. In the case of a primary  
18 election, the board shall note in the Statewide voter  
19 registration system or other record of voting the first three  
20 letters of the name of the political party primary in which the  
21 ballot was voted. The record contained in the Statewide voter  
22 registration system and of registration cards contained in the  
23 district register shall be conformed to the entries made under  
24 this section.

25 § 3421. Records of mail-in ballots.

26 A board shall keep, for two years, the requests and  
27 applications for mail-in ballots, voted mail-in ballots and  
28 certificates that have been detached or separated by them from  
29 the inner envelopes. Inner envelopes together with their  
30 certificates and the contents of those envelopes not opened

1 shall also be retained for the same period by the board. A  
2 district attorney shall have the authority to impound all mail-  
3 in ballots whenever the district attorney shall deem it  
4 necessary.

5 § 3422. No election held invalid due to mail-in ballots.

6 No election may be held to be invalid due to any irregularity  
7 or failure in the preparation or forwarding of mail-in ballots.

8 § 3423. Ballot required to be sealed before delivery.

9 No person may accept a mail-in ballot from a voter or another  
10 person having custody of it and no voter or other person having  
11 custody of a mail-in ballot shall give a mail-in ballot to a  
12 person for the purpose of delivering the mail-in ballot to the  
13 board or to a postal box or post office unless the ballot is  
14 sealed in the outer envelope and the person who transports or  
15 delivers it first signs and prints the person's name on the  
16 outer envelope.

17 § 3424. Information for voters using mail-in ballots.

18 (a) Posting required.--The secretary shall post on the  
19 VotesPA Internet website established and maintained by the  
20 department that an individual who casts a mail-in ballot may  
21 ascertain:

22 (1) Whether an application for a mail-in ballot has been  
23 approved and, if not, the reason for its rejection.

24 (2) Whether the mail-in ballot was accepted for counting  
25 and, if the ballot was not counted, the reason for the  
26 rejection of the ballot.

27 (b) Records confidential.--The system shall at all times  
28 preserve the confidentiality of each person who has requested an  
29 application to vote by mail-in ballot or who has voted by mail-  
30 in ballot, and shall ensure that no person, other than the



1 individual who requested or cast the ballot, may discover  
2 whether or not that individual's application or ballot was  
3 accepted, unless so informed by the voter.

4 § 3425. Duties of board.

5 A board shall:

6 (1) Publish, in advance of an election in accordance  
7 with rules and regulations promulgated by the secretary,  
8 official notice that the election shall be conducted by mail,  
9 together with any other information regarding the conduct of  
10 the election deemed necessary by the secretary.

11 (2) Mail a ballot, including an outer envelope and an  
12 inner envelope substantially similar to the envelopes  
13 provided for mail-in ballots, not sooner than the 20th day  
14 prior to the day of the election nor later than the 14th day  
15 prior to the day of the election, to each person registered  
16 to vote in the county during that election.

17 (3) Designate the board's office as the place to obtain  
18 a replacement ballot.

19 (4) Designate places within the county that shall be  
20 available for the deposit of voted ballots for the election.

21 (5) Make a provisional ballot available at the office of  
22 the board so that each person who has been a resident of an  
23 election district in which the person seeks to register and  
24 vote at least 21 days prior to the day of the election and  
25 has moved to a location within the county after that 21st day  
26 prior to the day of the election may vote.

27 (6) Distribute to each registered voter in the county  
28 with each ballot a copy of the voter information notice  
29 provided for and supplemented by the secretary as deemed  
30 appropriate for use in counties conducting elections by mail

1 along with instruction about the completion of the ballot as  
2 deemed necessary by the secretary.

3 (7) Make certain that qualified voters in the county  
4 requesting a mail-in ballot between the 40th day and the 21st  
5 day prior to the day of an election receive the ballot after  
6 the 20th day prior to the day of an election and that voters  
7 requesting a ballot on or before the seventh day prior to the  
8 date of the election receive a ballot as authorized.

9 (8) Establish, in consultation with the secretary, the  
10 time by which all ballots must be received by the board on  
11 the day of an election to be considered valid and counted.

12 § 3426. Mail-in ballot fraud.

13 (a) Offense.--A person who commits any of the following acts  
14 commits a misdemeanor of the third degree:

15 (1) Fraudulently votes or attempts to vote by mail or  
16 enables or attempts to enable another person not entitled to  
17 vote or to vote by mail to vote fraudulently by mail.

18 (2) Prevents or attempts to prevent by fraud the voting  
19 of a person legally entitled to vote by mail.

20 (b) Penalty.--A person convicted under subsection (a) shall  
21 be subject, in addition to such other penalties authorized by  
22 law, to disenfranchisement for a period of time determined by  
23 the court.

24 Section 4. Repeals are as follows:

25 (1) The General Assembly declares that the repeal under  
26 paragraph (2) is necessary to effectuate the purposes of this  
27 act.

28 (2) Article XIII of the act of June 3, 1937 (P.L.1333,  
29 No.320), known as the Pennsylvania Election Code, and any  
30 other provision of that act to the extent that it is

1 inconsistent with this act, is repealed.

2 (3) All other acts and parts of acts are repealed  
3 insofar as they are inconsistent with this act.

4 Section 5. This act shall take effect in 60 days.